

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

McAIRLAIDS, INC.,)	
)	
Plaintiff/)	
Counter-Defendant,)	
)	
v.)	Civil Action No. 7:12-CV-00578
)	
KIMBERLY-CLARK)	
CORPORATION,)	
)	
KIMBERLY-CLARK)	
WORLDWIDE, INC., and)	
)	
KIMBERLY-CLARK)	
GLOBAL SALES, LLC,)	
)	
Defendants/)	
Counter-Plaintiffs.)	

**MOTION OF KIMBERLY-CLARK
FOR SUMMARY JUDGMENT ON THE DEFENSE OF FUNCTIONALITY
AND COUNTERCLAIM FOR CANCELLATION**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Kimberly-Clark Corp., Kimberly-Clark Worldwide, Inc., and Kimberly-Clark Global Sales, LLC (collectively, “Kimberly-Clark”), hereby move the Court for an order granting summary judgment in Kimberly-Clark’s favor on (a) the affirmative defense of functionality, and (b) Kimberly-Clark’s counterclaim for cancellation of McAirloads’s federal trademark registration no. 4,104,123. In support of its Motion, Kimberly-Clark submits the accompanying Memorandum in Support of Its Motion for Summary Judgment.¹

¹ Because Kimberly-Clark’s supporting memorandum contains information designated as “Confidential” or “Attorneys’ Eyes Only” pursuant to the Protective Order entered February 26, 2013 (D.I. 22), Kimberly-Clark is also filing with the Court a motion to file its supporting memorandum under seal.

Dated: June 14, 2013

/s/ Andrew G. Klevorn

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Inc. and Kimberly-Clark Global Sales, LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Kimberly-Clark's Motion for Summary Judgment on the Defense of Functionality and Counterclaim for Cancellation* was filed through the Court's CM/ECF system, which will send electronic notice to all attorneys of record, this 14th day of June, 2013:

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